

UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

O'SHEA MANN,

Plaintiff,

v.

A. GARCIA, et al.,

Defendants.

No. 1:21-cv-00764-ADA-EPG (PC)

ORDER ADOPTING FINDINGS AND
RECOMMENDATIONS

ORDER DISMISSING ACTION WITHOUT
PREJUDICE

ORDER FOR CLERK TO CLOSE CASE

(ECF Nos. 42, 44, 45.)

O'Shea Mann ("Plaintiff") is a state prisoner (or former state prisoner) proceeding *pro se* and *in forma pauperis* in this civil rights action pursuant to 42 U.S.C. § 1983. The matter was referred to a United States Magistrate Judge pursuant to 28 U.S.C. § 636(b)(1)(B) and Local Rule 302.

On March 23, 2023, the assigned Magistrate Judge entered findings and recommendations, recommending that (1) the stay be lifted; (2) this case be dismissed, without prejudice, because of Plaintiff's failure to comply with a court order and to prosecute this case; and (3) the Clerk of Court be directed to close this case. (ECF No. 45 at 3.) Plaintiff had the opportunity to file objections to the findings and recommendations. The deadline to file objections has passed, and Plaintiff has not filed objections or otherwise responded to the findings

and recommendations.¹

In accordance with the provisions of 28 U.S.C. § 636(b)(1)(C) and Local Rule 304, this Court has conducted a *de novo* review of this case. Having carefully reviewed the entire file, the Court finds the findings and recommendations to be supported by the record and proper analysis.

Accordingly,

1. The findings and recommendations issued on March 23, 2023, (ECF No. 45), are adopted in full;
2. The stay is lifted;
3. This case is dismissed, without prejudice, because of Plaintiff's failure to comply with a court order and to prosecute this case; and
4. The Clerk of Court is directed to close this case.

IT IS SO ORDERED.

Dated: June 1, 2023


UNITED STATES DISTRICT JUDGE

¹ The findings and recommendations were returned as undeliverable. However, “[e]ach appearing attorney and pro se party is under a continuing duty to notify the Clerk and all other parties of any change of address or telephone number of the attorney or the pro se party. Absent such notice, service of documents at the prior address of the attorney or pro se party shall be fully effective.” Local Rule 182(f).